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12-26-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Morgan

Art Unit: 2674

Serial No.: 09/088,674

Examiner: Nguyen, Kevin M.

Filed: 06/02/1998

Docket No. TI-25995

For: BOUNDARY DISPERSION FOR MITIGATING PWM TEMPORAL CONTOURING
ARTIFACTS IN DIGITAL DISPLAYS

RECEIVED


DEC 20 2002

RESPONSE

12 December 2002

Technology Center 2600

Assistant Commissioner for Patents
Washington, DC 20231

MAILING CERTIFICATE UNDER 37 C.F.R. § 1.8(A)	
I hereby certify that the above correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date shown below.	
	12-12-2002
Charles A. Brill	Date

Dear Sir:

In response to the Examiner's Action mailed 13 August 2002, applicant responds as follows:

REMARKS

This application was originally filed on 2 June 1998 with ten claims, two of which were written in independent form. No claims have been allowed. Claims 1 and 6 were amended on 4 October 2000.

Claims 1-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,053,764 to Barbier et al. (Barbier). The applicant respectfully disagrees and submits the Examiner has failed to establish a prima facie case of anticipation under 35 U.S.C. § 102.

"A person shall be entitled to a patent unless," creates an initial presumption of patentability in favor of the applicant. 35 U.S.C. § 102. "We think the precise language of 35 U.S.C. § 102 that, "a person shall be entitled to a patent unless," concerning novelty and unobviousness, clearly places a burden of proof on the Patent Office which requires it to produce the factual basis for its rejection of an application under sections 102 and 103, see *Graham and Adams*." *In re Warner*, 379 F.2d 1011, 1016 (C.C.P.A. 1967) (referencing *Graham v. John*